

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA, :
v. :
MUNIR ABDULKADER, :
Defendant. :
Plaintiff,:
Case No: 1:16-CR-019
JUDGE BARRETT

**PLAINTIFF UNITED STATES OF AMERICA'S
MOTION FOR ORDER TO APPLY MONIES HELD
BY THE FEDERAL BUREAU OF INVESTIGATION
FOR PAYMENT OF SPECIAL ASSESSMENT JUDGMENT**

Now comes the United States of America, by and through counsel, and moves this Court for an Order requiring the Federal Bureau of Investigation to turn over to the United States Clerk of Courts all monies it has in its possession, received from Defendant, Munir Abdulkader, to apply to Defendant's obligation. The grounds for this motion are more fully set forth in the accompanying Memorandum in Support.

Respectfully submitted,

BENJAMIN C. GLASSMAN
United States Attorney

s/ Bethany J. Hamilton
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MEMORANDUM IN SUPPORT

On November 18, 2016, Defendant Munir Abdulkader, plead guilty to Count One (1), Count Two (2) and Count Three (3). (Doc. No. 67). Defendant was sentenced to 240 months of imprisonment and 60 months of probation and ordered to pay a special assessment in the amount of \$300.00. The amount of said judgment debt that remains unpaid and due and owing is \$275.00 as of September 1, 2017.

Counsel for Plaintiff has been informed that the Federal Bureau of Investigation ("FBI") is in possession of \$236.61 which was taken from the Defendant.

Plaintiff seeks an Order requiring the FBI to turn over the funds in its possession owned by Defendant for purposes of partially satisfying the Defendant's outstanding special assessment obligation.

Pursuant to 18 U.S.C. § 3613(a), the United States is permitted to enforce a criminal judgment using the practices and procedures for enforcement of civil judgments under Federal or state law. The financial litigation unit of the United States Attorney's Office ("USAO") is responsible for collecting criminal penalty assessments, restitution, and fines. 18 U.S.C. § 3612(c) (1)-(3). Therefore, the USAO has the full responsibility for collecting the special assessment obligation imposed against the Defendant.

Once the Court enters judgment in a criminal case, a lien arises in favor of the United States against all of a Defendant's real and personal property. 18 U.S.C. § 3613(c). Hence, a lien arose against the Defendant's property on the entry of this judgment, in the amount of \$300.00. Because the United States Government has a right to collect criminal judgments, and has a valid lien against the Defendant's real and personal property, any money being held by a government

agency in which the Defendant has a substantial interest is subject to the government is continuing interest in the satisfaction of that judgment.

Based upon the foregoing, the Government respectfully requests that this Court issue an Order requiring the FBI to turn over to the United States of America any and all of the funds currently in its possession belonging to the Defendant, Munir Abdulkader to be applied to the special assessment obligation imposed against Defendant, made payable to the United States District Court Clerk, and sent to the Potter Stewart U.S. Courthouse, 100 E. Fifth Street, Cincinnati, Ohio 45202.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of September, 2017 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Munir Abdulkader (BOP No. 73031-061) at FCI Talladega, 565 East Renfroe Rd, Talladega, Alabama 35160.

s/ Bethany J. Hamilton

BETHANY J. HAMILTON (0075139)
Assistant United States Attorney